


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLEARING THE COURT
WESTERN DISTRICT OF TEXAS
BY 

TEXAS STATE LULAC; VOTO LATINO, §
PLAINTIFF, §

V. §

BRUCE ELFANT, IN HIS OFFICIAL §
CAPACITY AS THE TRAVIS COUNTY §
TAX ASSESSOR-COLLECTOR; §
JACQUELYN CALLANEN, IN HER §
OFFICIAL CAPACITY AS THE BEXAR §
COUNTY ELECTIONS §
ADMINISTRATOR; ISABEL §
LONGORIA, IN HER OFFICIAL §
CAPACITY AS THE HARRIS COUNTY §
ELECTIONS ADMINISTRATOR; §
YVONNE RAMON, IN HER OFFICIAL §
CAPACITY AS THE HIDALGO §
COUNTY ELECTIONS §
ADMINISTRATOR; MICHAEL §
SCARPELLO, IN HIS OFFICIAL §
CAPACITY AS THE DALLAS COUNTY §
ELECTIONS ADMINISTRATOR; §
LISA WISE, IN HER OFFICIAL §
CAPACITY AS THE EL PASO COUNTY §
ELECTIONS ADMINISTRATOR; §
KEN PAXTON, IN HIS OFFICIAL §
CAPACITY OF ATTORNEY GENERAL §
OF TEXAS; LUPE C. TORRES, IN HER §
OFFICIAL CAPACITY AS MEDINA §
COUNTY ELECTIONS §
ADMINISTRATOR; AND TERRIE §
PENDLEY, IN HER OFFICIAL §
CAPACITY AS REAL COUNTY TAX §
ASSESSOR-COLLECTOR, §
DEFENDANTS. §

CAUSE NO. 1:21-CV-546-LY

ORDER ON MOTIONS TO INTERVENE

Before the court are the Partially Opposed Motion to Intervene as Defendants by Medina County Elections Administrator Lupe C. Torres, in Her Official Capacity, and Real County Tax

Assessor-Collectors Terrie Pendley, in Her Official Capacity filed August 11, 2021 (Doc. #48); Plaintiffs' Opposition to Motion to Intervene as Defendants by Media County Elections Administrator Lupe C. Torres and Real County Tax Assessor-Collector Terrie Pendley filed August 25, 2021 (Doc. #62); Defendant Lisa Wise's Response to the Motion to Intervene as Defendants by Medina County Elections Administrator Lupe C. Torres, in Her Official Capacity, and Real County Tax Assessor-Collectors Terrie Pendley, in Her Official Capacity filed August 25, 2021 (Doc. #63); and Reply by Intervenor-Defendants in Support of Their Motion to Intervene filed September 1, 2021 (Doc. #68). Also before the court are Texas Attorney General Ken Paxton's Motion to Intervene filed August 12, 2021 (Doc. #53); Plaintiffs' Response to Texas Attorney General Ken Paxton's Motion to Intervene filed August 25, 2021 (Doc. #61); Defendant Lisa Wise's Response to Texas Attorney General Ken Paxton's Motion to Intervene filed August 26, 2021 (Doc. #65); and Reply in Support of Texas Attorney General Ken Paxton's Motion to Intervene filed August 31, 2021 (Doc. #67).

Texas Attorney General Ken Paxton asserts a statutory right to intervene because (1) neither the State nor any of its agencies, officers, or employees are a party in this case, and (2) Plaintiffs challenge the constitutionality of the Texas Elections Code, a set of laws affecting the public interest. *See* 28 U.S.C. § 2403(b) (2019). Plaintiffs and Defendant Lisa Wise's responses do not oppose Paxton's argument. No other party has responded. The court will grant Paxton's motion to intervene.

With regard to Medina County Elections Administrator Lupe C. Torres and Real County Tax Assessor-Collector Terrie Pendley's motion, Torres and Pendley argue that the relief Plaintiffs seek, a finding that Senate Bill 1111 ("SB 1111) is unconstitutional, would not only bind the named

Defendants in this case, but all elected officials in all the counties in the State of Texas. Therefore, Torres and Pendley seek to intervene as of right under Federal Rule of Civil Procedure 21(a) because of their interest as elected county officials in Texas in the rights at issue in this action.¹ Because Plaintiffs allege that SB 1111 is unconstitutional as a whole, the ultimate ruling of the court will be binding on all election administrators in Texas, including Torres and Pendley. *See e.g. Atlantis Dev. Corp. v. United States*, 379 F.2d 818, 829 (5th Cir. 1967). The court will grant Torres and Pendley's motion to intervene. Accordingly,

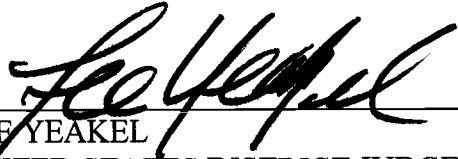
IT IS ORDERED that the Partially Opposed Motion to Intervene as Defendants by Medina County Elections Administrator Lupe C. Torres, in Her Official Capacity, and Real County Tax Assessor-Collectors Terrie Pendley, in Her Official Capacity filed August 11, 2021 (Doc. #48) is **GRANTED**. The clerk is instructed to file Defendants Lupe C. Torres and Terrie Pendley's Answer to Plaintiffs' Original Complaint, attached as an exhibit to the motion to intervene, in the record in this cause.

IT IS FURTHER ORDERED that Texas Attorney General Ken Paxton's Motion to Intervene filed August 12, 2021 (Doc. #53) is **GRANTED**. The clerk is instructed to file the Answer in Intervention of the Texas Attorney General, attached as an exhibit to the motion to intervene, in the record in this cause.

¹ Torres and Pendley alternatively seek permissive intervention as state officials responsible for administering Senate Bill 111. Fed. R. Civ. P. 24(b)(2). Because Plaintiffs' proposed relief will affect all election officials in Texas, the court need not address the alternative basis for intervention.

IT IS FURTHER ORDERED that the style in the case remaining before this court be modified as noted in the style utilized in this order. The clerk and the parties in this case are **FURTHER ORDERED** use the above-referenced style for all future pleadings in this case.

SIGNED this 21st day of September, 2021.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE